

HOUSE BILL NO. 497

INTRODUCED BY W. PRICE, F. THOMAS, BERRY, FUCHS, HARRIS, LAIBLE, LEHMAN, NOENNIG,
OLSON, ROME, SLITER, TAYLOR, VICK, C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SHOP THAT IS OPERATED BY OR EMPLOYS A MASTER OR JOURNEYMAN ELECTRICIAN OR MASTER OR JOURNEYMAN PLUMBER MAY EMPLOY ONE APPRENTICE; REQUIRING PROVIDING THAT FOR EACH ADDITIONAL TWO MASTER OR JOURNEYMAN ELECTRICIANS OR PLUMBERS THE RATIO OF MASTER OR JOURNEYMAN ELECTRICIANS TO APPRENTICE ELECTRICIANS AND JOURNEYMEN MASTER OR JOURNEYMAN PLUMBERS TO APPRENTICE PLUMBERS BE SET AT 2 TO 1 IN EACH SHOP; REQUIRING THAT THE RATIO OF MASTER OR JOURNEYMAN ELECTRICIANS TO APPRENTICE ELECTRICIANS AND MASTER OR JOURNEYMAN PLUMBERS TO APPRENTICE PLUMBERS BE SET AT 1 TO 1 ON A JOBSITE; AMENDING SECTIONS 37-68-303, 37-69-302, AND 39-6-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-68-303, MCA, is amended to read:

"37-68-303. Apprentice ~~may work~~ working under licensed electrician -- record of apprentices.

(1) This chapter does not prohibit a person from working as an apprentice in the trade of electrician with an electrician licensed under this chapter and under rules made by the board. The name and residence of each apprentice and the name and residence of ~~his~~ the apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the department showing the name and residence of each apprentice.

(2) (a) ~~The shop ratio of journeyman electricians to apprentice electricians is two journeymen to one apprentice.~~ EACH SHOP THAT EMPLOYS OR IS OPERATED BY A MASTER OR JOURNEYMAN ELECTRICIAN MAY EMPLOY ONE APPRENTICE ELECTRICIAN.

(b) FOR EACH ADDITIONAL TWO MASTER OR JOURNEYMAN ELECTRICIANS, THE SHOP RATIO FOR EMPLOYING APPRENTICES IS TWO MASTERS OR JOURNEYMEN TO ONE APPRENTICE UNLESS A WAIVER IS GRANTED BY THE DEPARTMENT OF LABOR AND INDUSTRY PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

~~(b)(c) The jobsite ratio of journeyman electricians to apprentice electricians is one journeyman to one apprentice.~~

~~(3) This section does not apply to an electrical training program conducted by an electrical trade school or a college or university."~~

Section 2. Section 37-69-302, MCA, is amended to read:

"37-69-302. Apprenticeship allowed. (1) This chapter does not prohibit a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department under the supervision of a licensed MASTER OR journeyman plumber. Only those apprentices registered with the department of labor and industry will be recognized by the department. The name and residence of each apprentice and the names and residences of ~~their employers~~ the apprentice's employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the department.

~~(2) (a) The shop ratio of journeyman plumbers to apprentice plumbers is two journeymen to one apprentice. EACH SHOP THAT EMPLOYS OR IS OPERATED BY A MASTER OR JOURNEYMAN PLUMBER MAY EMPLOY ONE APPRENTICE PLUMBER.~~

~~(b) FOR EACH ADDITIONAL TWO MASTER OR JOURNEYMAN PLUMBERS, THE SHOP RATIO FOR EMPLOYING APPRENTICES IS TWO MASTERS OR JOURNEYMEN TO ONE APPRENTICE UNLESS A WAIVER IS GRANTED BY THE DEPARTMENT OF LABOR AND INDUSTRY PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OF LABOR AND INDUSTRY.~~

~~(b)(c) The jobsite ratio of journeyman plumbers to apprentice plumbers is one journeyman to one apprentice.~~

~~(3) This section does not apply to a plumbing trade program conducted by a plumbing trade school or a college or university."~~

Section 3. Section 39-6-106, MCA, is amended to read:

"39-6-106. Contents of apprenticeship agreements -- credit for prior training or experience. (1) Apprenticeship agreements ~~shall~~ must contain:

(a) a statement of the trade or craft to be taught and the required hours for completion of apprenticeship, which must be not less than 2,000 hours of reasonably continuous employment;

(b) a statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process;

(c) a statement of the number of hours to be spent by the apprentice in related and supplemental instruction, which is recommended to be 144 hours ~~per each~~ year;

(d) a statement that apprentices must be not less than 16 years of age;

(e) a statement of the progressively increasing scale of wages to be paid the apprentice;

(f) a statement that the apprenticeship sponsor will abide by the proper ratio standard, is responsible for the correct supervision of apprentices, and is responsible for the shop and jobsite safety of apprentices with whom the sponsor has entered into an apprenticeship agreement;

~~(f)(g)~~ a provision for a period of probation during which the department of labor and industry ~~must~~ shall terminate an apprenticeship agreement at the request in writing of any party ~~thereto~~ to the agreement. After the probationary period, the department may terminate the registration of an apprentice upon agreement of the parties.

~~(g)(h)~~ a provision that the services of the department may be ~~utilized~~ used for consultation regarding the settlement of differences arising out of the apprenticeship agreement ~~where such~~ when the differences cannot be adjusted locally or in accordance with the established trade procedure;

~~(h)(i)~~ a provision that if an employer is unable to fulfill ~~his~~ the employer's obligation under the apprenticeship agreement, ~~he~~ the employer may transfer the obligation to another employer if the other employer has been approved as a training facility;

~~(i)(j)~~ subject to the provisions of 37-68-303 and 37-69-302, a provision for the specification of the ratio of MASTERS OR JOURNEYMEN TO apprentices to journeymen. The department will shall continue to honor and recognize ratio provisions as established in existing labor/management bargaining agreements or as established by an industry practice.

~~(j)(k)~~ such additional standards as may be prescribed in accordance with this chapter.

(2) An apprentice who, prior to entering into an agreement, has had training or experience in the trade or craft in which ~~he~~ the apprentice is employed as an apprentice may be granted full or partial credit for the training or experience on the recommendation of the employer or the joint apprenticeship committee and with the approval of the department."

NEW SECTION. **Section 4. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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2 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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4 NEW SECTION. **Section 6. Applicability.** [This act] applies to apprenticeship agreements entered
5 into or renewed on or after [the effective date of this act].

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